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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

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5 GOPRO, INC.,

Case No. 16-cv-01944-SI

6

Plaintiff,

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v.

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360HEROS, INC.,

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Defendant.

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11 On January 16, 2018, the parties appeared before the Court for a telephonic status
12 conference. Dkt. No. 156. During that time, the parties advised the Court of three outstanding
13 discovery disputes. Dkt. Nos. 124, 128, and 134.

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15 GoPro moves the Court for an order that document Bates No. 360H-02458-02459
16 produced by 360Heros cannot be clawed back as privileged. GoPro also petitions the Court to
17 require production of all versions of the document. Dkt. No. 124. 360Heros opposes the request.
18 Dkt. No. 128. Having reviewed the parties' submissions, the Court GRANTS GoPro's request and
19 finds that attorney-client privilege was waived, the document cannot be clawed back as privileged,
and 360Heros must produce the original, unredacted document. Dkt. Nos. 124, 128.

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21 360Heros moves for sanctions under FRCP 26(c) and 37(b) for GoPro's alleged
22 unauthorized disclosure of 360Heros's confidential information. Dkt. 134. GoPro disputes the
23 allegation. The Court finds that the record does not demonstrate the information was shared
24 inappropriately or for any reason other than the purposes of the case, and therefore DENIES
360Heros' request.

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IT IS SO ORDERED.

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Dated: January 26, 2018

Susan Illston

27

28 SUSAN ILLSTON
United States District Judge